

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID ALLEN HAWKINS,  
Petitioner,  
v.  
ELDON VAIL,  
Respondent

CASE NO. C09-5434RBL/JRC

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Richard  
Creatura, United States Magistrate Judge, objections to the Report and Recommendation [Dkt.  
#16], and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) This petition is time barred. The petition fails on the merits as well. The petition is **DENIED**.
- (3) The clerk is directed to send copies of this Order to Petitioner, and the Hon. J. Richard Creature.

DATED this 11<sup>th</sup> day of December, 2009.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE